

Anthony v. Allstate Fire and Casualty Insurance Company, Cause No. CC-15-01630, pending in the 160th Judicial District Court of Dallas County, Texas.

1.2 Plaintiffs served Defendant Allstate Fire and Casualty Insurance Company (“Allstate”) with Plaintiffs’ Original Petition and process on February 18, 2015, by process server on its registered agent, CT Corporation System.

1.3 Attached hereto as Exhibit “A” is the Index of State Court Documents that clearly identifies each document and indicates the date the document was filed in the state court action. Attached as Exhibit “B” is a copy of the docket sheet and all documents filed in the state court are attached as Exhibits “B-1” through Exhibit “B-4” as identified on the Index of State Court Documents.

II.

BASIS FOR REMOVAL

2.1 Defendant files this notice of removal within 30 days of receiving Plaintiffs’ Original Petition. *See* 28 U.S.C. §1446(b). This Notice of Removal is being filed within one year of the commencement of this action. *See id.*

2.2 Removal is proper based upon diversity of citizenship under 28 U.S.C. §§ 1332(a)(1), 1441(a), and 1446.

A. THE PROPER PARTIES ARE OF DIVERSE CITIZENSHIP.

2.3 Plaintiff Clear Vision Windshield Repair LLC is a Michigan limited liability company with its principal place of business in Florida and is a citizen of the States of Michigan and Florida for diversity purposes. *See* Plaintiffs’ Original Petition, ¶ 4.

2.4 Plaintiffs James Amos, Phillip Costlow, Edith Goines, Nathanael Wagner, Mack Moreau, Karen McClure, Alea Koblez, Tracy Ford, and Michele Anthony are, and were at the time the lawsuit was filed, domiciled in the State of Texas. *See* Plaintiffs’ Original Petition, ¶¶

5-13. On information and belief, Plaintiffs intend to continue residing in Texas and are thus domiciled in Texas. See *Hollinger v. Home State Mut. Ins. Co.*, 654 F.3d 564, 571 (5th Cir. 2011) (evidence of a person's place of residence is prima facie proof of his state of domicile, which presumptively continues unless rebutted with sufficient evidence of change).

2.5 Defendant Allstate Fire and Casualty Insurance Company is an Illinois corporation with its principal place of business in Illinois and is a citizen of the State of Illinois for diversity purposes, and therefore, complete diversity exists.

B. THE AMOUNT IN CONTROVERSY EXCEEDS THE JURISDICTIONAL REQUIREMENTS FOR SUBJECT MATTER JURISDICTION.

2.6 This is a civil action in which the amount in controversy exceeds \$75,000.00. Plaintiffs have specifically pled that he is seeking monetary relief over \$100,000. See Plaintiffs' Original Petition, ¶ 3.

**III.
THE REMOVAL IS PROCEDURALLY CORRECT**

3.1 Defendant Allstate was first served with Plaintiffs' Original Petition and process on February 18, 2015. This notice of removal is filed within the 30-day time period required by 28 U.S.C. § 1446(b).

3.2 Venue is proper in this District and Division under 28 U.S.C. §1446(a) because this District and Division include the county in which the state action has been pending.

3.3 Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.

3.4 Pursuant to 28 U.S.C. §1446(d), promptly after Defendant files this Notice, written notice of the filing will be given to Plaintiffs, the adverse party.

3.5 Pursuant to 28 U.S.C. §1446(d), a true and correct copy of this Notice of Removal will be filed with the Clerk of the Dallas County District Court, promptly after Defendant files this Notice.

**IV.
CONCLUSION**

4.1 Based upon the foregoing, the exhibits submitted in support of this Removal and other documents filed contemporaneously with this Notice of Removal and fully incorporated herein by reference, Defendant Allstate Fire and Casualty Insurance Company hereby removes this case to this Court for trial and determination.

Respectfully submitted,

/s/ Roger D. Higgins

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CERTIFICATE OF SERVICE

This is to certify that on March 19, 2015, a true and correct copy of the foregoing document was sent to all Counsel of Record via electronic service and/or certified mail, return receipt requested to:

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